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SERIAL/PATENT NO. 10/098,648 FILED/ISSUED THU. 15, 2002

APPLICANT William A. E. Eimer

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<u>4-28-06</u> <u>8588-12 RE</u> <u>Herbert L. Eimer</u>	<input type="checkbox"/> Other <u>Substitute Spec. / Declaration</u>
DATE FILE NO. ATTORNEY	

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DATE FILE NO. ATTORNEY	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application  
for Patent No. 5,711,100

**WILLIAM A. ELMER**

Serial No. 10/098,648

Filing Date: March 15, 2002

For: **VEHICLE ADVERTISING SIGN,  
SYSTEM AND METHOD**

Examiner: **Brian K. Green**

Art Unit: **3611**

Attorney Docket No.  
**8588.12RE**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

**APPLICANT'S RESPONSE AFTER FINAL PURSUANT TO 37 CFR §1.116  
TO PLACE APPLICATION IN A BETTER CONDITION FOR APPEAL**

Applicant respectfully requests that this response under 37 CFR §1.116 be entered together with the accompanying supplemental oath/declaration under 37 CFR §1.175(b)(1) in order to place this application in a better condition for appeal.

**REMARKS**

**I. Substitute Oath/Declaration**

Consistent with the Examiner's suggestion at page 3 of the February 28, 2006 Office Action, Applicant submits the accompanying substitute oath/declaration. It is submitted that this obviates the rejections of Claims 1-26 in the second full paragraph of page 3 of the Final Rejection.

## **II. Drawings**

The Examiner's discussion at the bottom of page 3 of the Final Rejection regarding the plastic coating defined in Claims 12, 17 and 26 as well as the beveled head defined in Claims 21 and 24 seems to suggest that the Examiner did not receive the proposed amendment to Figure 1A of the drawings. Accordingly, another copy of that earlier proposed amendment to Figure 1A is attached, with the changes in red ink. These changes include the following:

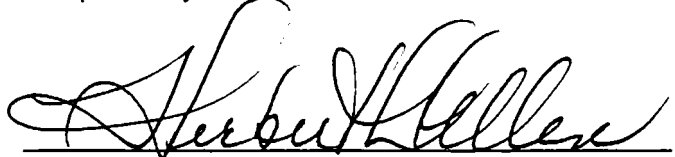
- a. the addition of the reference numeral **114**; and
- b. modification of the head **132** of screw **128** to indicate that it is beveled.

With respect to the plastic coating, it is clearly illustrated in Figure 1A that the plastic coating extends along the bottom of the magnet **138** and across the extremity of the lip **136**. At Column 3, lines 1-9, it is described that each magnet assembly **126** is coated with the scratch-resisting plastic material, and is shown in the drawing as covering the exposed portions. Element **134** is directed to the housing, which is described at Column 3, lines 10-11 as being "a coated metal housing **134** with lip **136**." Respectfully, it would be inconsistent with these descriptions to end the lead line for drawing element **134** on the plastic coating.

Wherefore, Applicant respectfully requests that the Examiner accept the supplemental oath/declaration and the enclosed copy of the earlier submitted

amendment to Figure 1A in order to resolve the first two issues in the Final Rejection of February 28, 2006, and thus place this application in a better condition for appeal.

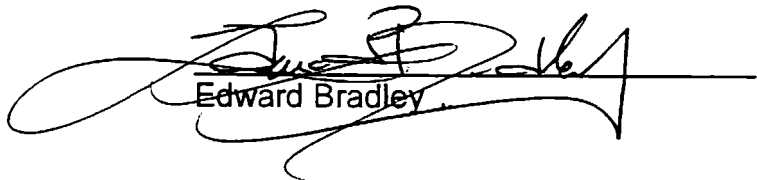
Respectfully submitted,



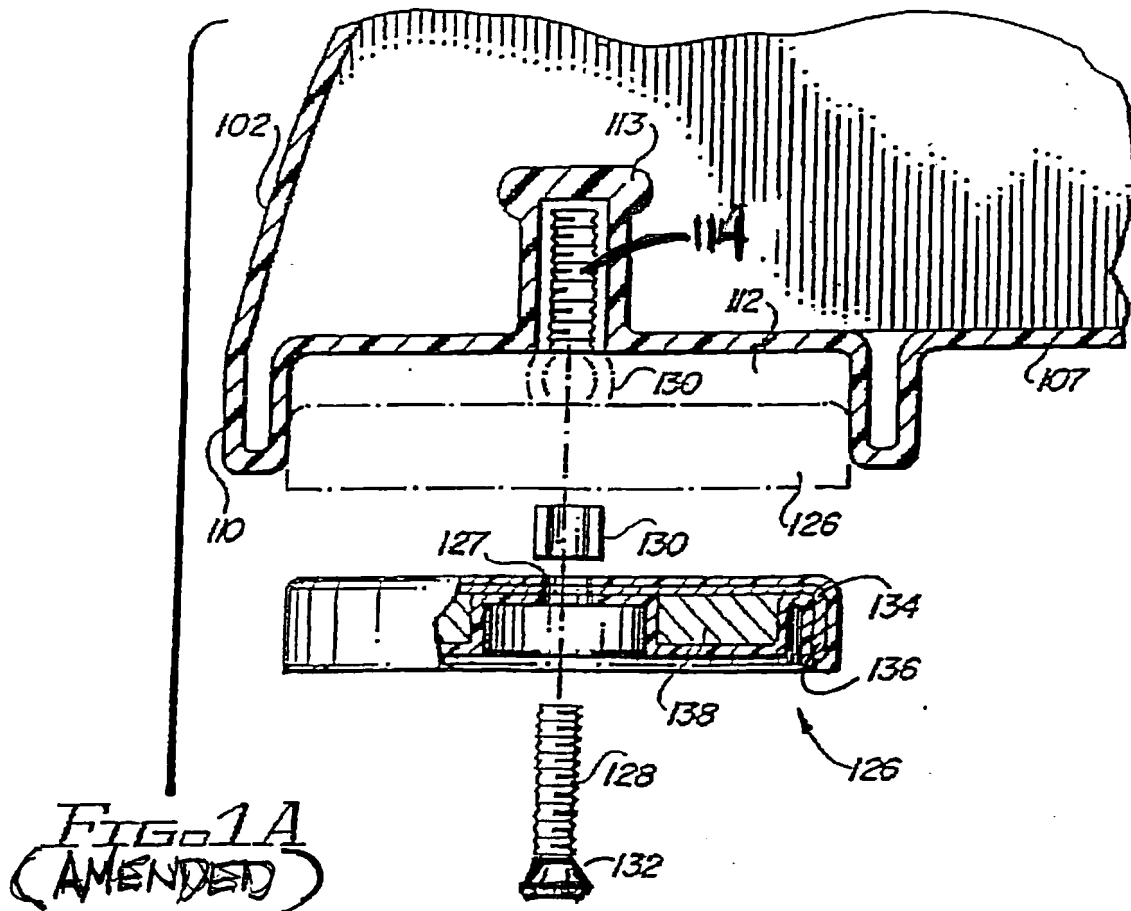
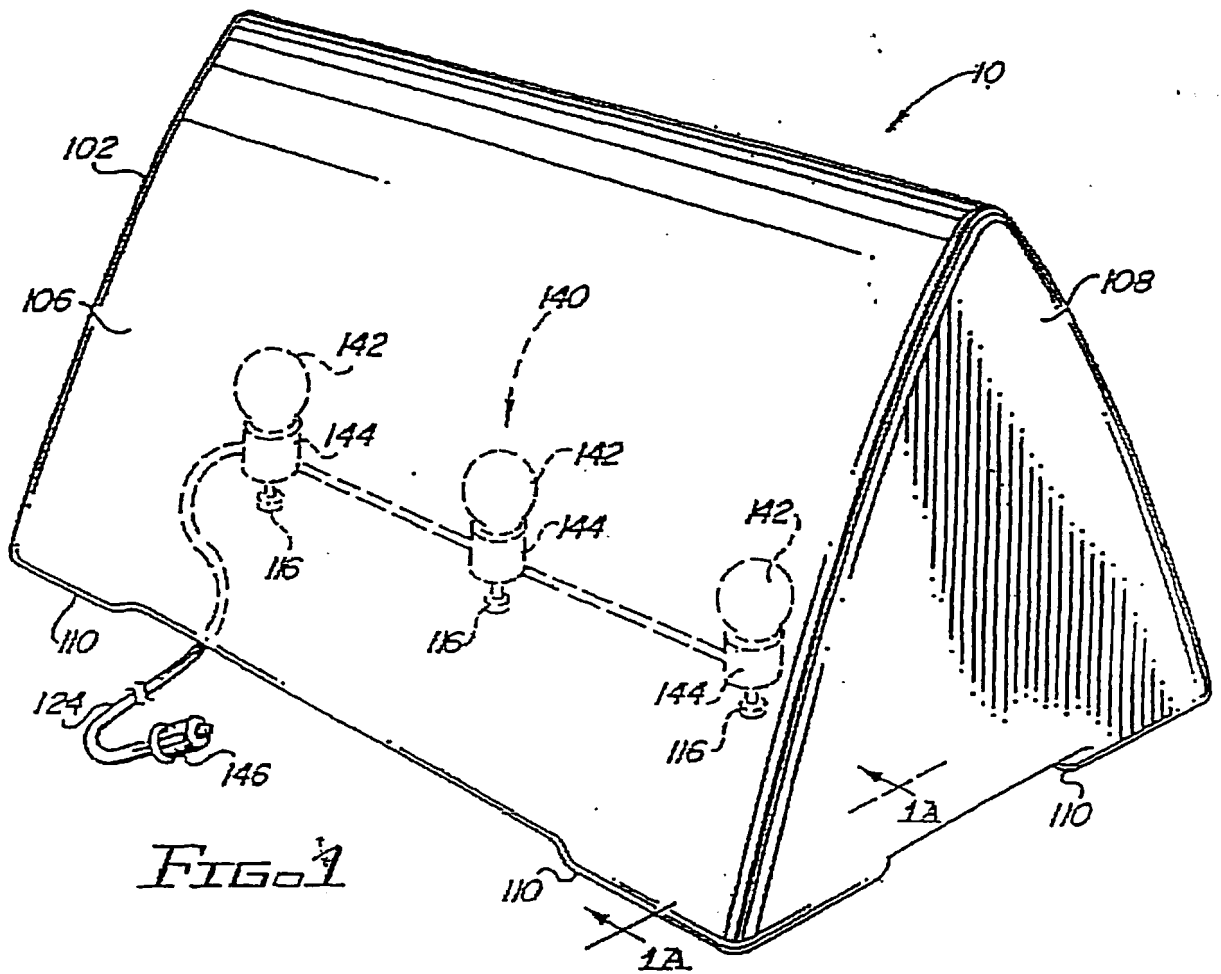
Herbert L. Allen  
Registration 25,322  
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(407) 841-2330

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class Mail addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 28<sup>th</sup> day of April, 2006.



Edward Bradley



REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

8588.12RE

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,711,100, granted 1/27/98 and for which a reissue patent is sought on the invention entitled Vehicle Advertising Sign, System and Method

the specification of which

☐

is attached hereto.

☒

was filed on 3/15/02 as reissue application number 10/098,648

and was amended on 8/22/05  
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐

by reason of a defective specification or drawing.

☐

by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒

by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
8588.12RE

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☐

The address associated with Customer Number:

OR

☒Firm or  
Individual Name

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Zip

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Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

William A. Elmer

Inventor's signature



Date

3/27/2006

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Full name of second joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐

Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.